

App. Control No. 09/975,761

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Kenneth C. Caster	Docket No.:	IR-2588(ET)CIP2
Serial No.:	09/975,761	Art Unit:	1733
Filed:	October 11, 2001	Examiner:	Geoffrey L. Knable
For:	<i>"Contact Metathesis Polymerization"</i>		

**Second**  
**SUPPLEMENTAL**  
**REPLY AFTER FINAL**

Assistant Commissioner of Patents  
Mail Stop AF  
PO Box 1450  
Alexandria, VA 22313-1450

Feb. 28, 2005

Sir:

The period under the final rejection from the Office action 12-14-04 continues to run. Applicants submitted a Supplemental reply addressing a statement under 35 USC 103(c), and now provide a second supplement traversing a rejection under 35 USC 102 (e).

Applicants traverse the rejection (non-final action May 16, 2004, ¶ 4) under 35 UCS 102(e) over Tokas et al, US 2002 – 0053379. Each and every limitation of claim 20 should be regarded in determining whether Tokas Et al anticipates this claim.

The rejection relies on claim 20 of Tokas Et al for the method for bonding elastomer and metal and combines certain teachings from paragraphs [0038] and [0041].

Present Claim 20 recites a method whereby the metathesizable mixture comprises a metathesizable crosslinking monomer which is dissolved in a principal metathesizable material . The rejection relies upon paragraphs [0038] and [0041] of Tokas Et al. taken with the claim 20. The feature underlined above is to be regarded that

App. Control No. 09/975,761

the one component must be dissolved in the other. This feature is not taught nor suggested in Tokas.

[0038] is reprinted below:

[0038] A monomer or oligomer is particularly useful when the metathesizable material itself is intended to form a coating on the substrate surface or when the metathesizable material itself is intended to act as an adhesive for bonding one substrate surface to another substrate surface. Monomers are especially useful because they can diffuse into the substrate surface when they are applied. **Particularly useful as monomers by themselves, as monomers for making oligomers, or for functionalizing other types of polymers, are cycloolefins such as norbornene, cycloalkenes, cycloalkadienes, cycloalkatrienes, cycloalkatetraenes, aromatic-containing cycloolefins and mixtures thereof.** Illustrative cycloalkenes include cyclooctene, hexacycloheptadecene, cyclopropene, cyclobutene, cyclopentene, cyclohexene, cycloheptene, cyclononene, cyclodecene, cyclododecene, paracyclophene, and ferrocenophene. Illustrative cycloalkadienes include cyclooctadiene and cyclohexadiene. Illustrative cycloalkatrienes include cyclooctatriene. Illustrative cycloalkatetraenes include cyclooctatetraene. **(emphasis added)**

From the above listing of cycloolefin monomers, many individual genus/specie monomers are not crosslinking, and some mentioned are potentially crosslinking. Some of the above monomers are not soluble in other listed monomers. There is no teaching to select any monomers on the basis of solubility. No actual mixture where one is and one is not a crosslinker is provided. The rejection fails to point to a combination arranged as-such according to present claim 20.

Applicants submit that the parent application in paragraph [0038] is not a positive recitation choose the mixture required by Applicants' claim 20. Certainly the passage in [0038] does not fairly teach or suggest a selection in such a way as to

- (1) a combination of **crosslinking monomer and principal metathesizable material;** *(claims 1 and 20)*
- (2) a mixture whereby the crosslinking monomer is **dissolved in the principal methasizable material.** *(claims 1 and 20)*

App. Control No. 09/975,761

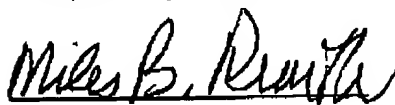
The rejection relied upon paragraph [0041]. Applicants reprint this paragraph below:

[0041] Exemplary substituted norbornene monomers include methylidenenorbornene, 5-methyl-2-norbornene, 5,6-dimethyl-2-norbornene, 5-ethyl-2-norbornene, 5-butyl-2-norbornene, 5-hexyl-2-norbornene, 5-octyl-2-norbornene, ethylidenenorbornene, 5-dodecyl-2-norbornene, 5-isobutyl-2-norbornene, 5-octadecyl-2-norbornene, 5-isopropyl-2-norbornene, 5-phenyl-2-norbornene, 5-p-tolyl-2-norbornene, 5- $\alpha$ -naphthyl-2-norbornene, 5-cyclohexyl-2-norbornene, 5-isopropenyl-norbornene, 5-vinyl-norbornene, 5,5-dimethyl-2-norbornene, 5-norbornene-2-carbonitrile, 5-triethoxysilyl-2-norbornene, 5-norborn-2-yl acetate, 7-oxanorbornene, 5-norbornene-2,3-carboxylic acid, 5-norbornene-2,2-dimethanol, 2-benzoyl-5-norbornene, 5-norbornene-2-methanol acrylate, 2,3-di(chloromethyl)-5-norbornene, 2,3-hydroxymethyl-5-norbornene di-acetate and their stereoisomers and mixtures thereof. (emphasis added)

In the above listing of norbornene monomers, none are crosslinking, therefore no arrangement can occur whereby one would be a crosslinker and another a non-crosslinker, nor is the limitation of being dissolved taught. Therefore, absent hindsight reconstruction importing Applicants' own teachings into Tokas Et al, the prior teaching relied upon does not anticipate as it does not disclose all of the features claimed.

Applicants submit that the rejection according to 35 USC 102(e) fails therefore and should be removed.

Respectfully submitted,



Miles B. Dearth,  
Attorney for Applicants

CERTIFICATE OF FACSIMILE TRANSMISSION per 37 CFR 1.8

The person signing below hereby certifies that this paper (along with a cover letter and any paper referred to as being attached or enclosed) is being sent via FACSIMILE to ART UNIT 1733, ATTN: Examiner Knable at (703) 872-8306 in Alexandria, ~~VA~~ on the dated noted below.



Date: 2/28/05

Sender name: Heather B. Caruso